

**DOCUMENT RESUME**

**08039 - [C3528620]**

**[Payment of per Diem of an Employee on Temporary Duty at a Ship Away from Designated Post]. B-192590. December 16, 1978. 5 pp.**

**Decision re: Robert W. Cooper; by Robert F. Keller, Deputy Comptroller General.**

**Contact: Office of the General Counsel; Personnel Law Matters II.**

**Organization Concerned: National Park Service.**

**Authority: 5 U.S.C. 5702. 5 U.S.C. 5707. 5 U.S.C. 5704. P.F.R. (FPMR 101-7). 2 GAO 10.3. 7 GAO 17.1. B-181831 (1975). B-161048 (1967).**

**An advance decision was requested concerning the legality of paying travel expenses of an employee on temporary duty at a ship drydocked at Baltimore, Maryland, away from his designated post at Washington, D.C. Although no specific written authorization was given prior to the travel for payment of per diem, the employee was entitled to payment for lodging at the temporary site since his supervisors approved, and payment was authorized by the general travel authorization for movement of the ship. (NTU)**

7/24/81  
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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

8620

**FILE: B-192590**

**DATE: December 14, 1978**

**MATTER OF: Robert W. Cooper - Travel expenses - per diem**

**DIGEST:** An employee was detailed to a work assignment on official business away from his designated post of duty in Washington, D.C., to a ship drydocked in Baltimore, Maryland, where the employee obtained lodging at the temporary duty site with full knowledge and approval of his supervisors. Although no specific written authorization was given prior to the travel for payment of per diem, the general travel authorization for movement of the ship from Washington, D.C., to Baltimore is sufficient to pay the employee per diem.

This action is in response to a request of Mr. Thomas G. Gall, Authorized Certifying Officer, National Park Service, National Capital Region, for an advance decision concerning the legality of paying certain travel expenses of Mr. Robert W. Cooper incurred during a temporary duty assignment in Baltimore, Maryland.

Extensive repair work was needed on the National Park Service's ship, the Lightship Chesapeake, and required that its crew transport the ship from home port, Washington, D.C., to Baltimore, Maryland, where it was in drydock for 20 days. Travel had been authorized for the crew to pilot the ship to its destination and then return to home port by Government furnished vehicles. It appears that the crews' services were not required in the repair work of the ship.

Prior to the trip to Baltimore, Mr. Cooper, a member of the ship's crew, with his supervisor's approval, decided to remain on the ship in drydock. It is stated that this approval was for Mr. Cooper's convenience as he was normally allowed to remain on the ship during his administratively established workweek. In neither of these situations, home port in Washington or the drydock in Baltimore, was staying on board ship a condition of employment. It is assumed that Mr. Cooper had some function to perform during the repairs on the ship in Baltimore since it is stated that no travel authorization was necessary unless Mr. Cooper sought lodging in the Washington area in which case he would have to commute from Washington, D.C., to Baltimore daily.

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The ship arrived in Baltimore on April 5 and Mr. Cooper remained on board the ship until April 10, when he decided to leave the ship in order to secure other lodgings due to work being performed on the gasoline tank, all power and water having been cut off. Before securing other lodgings, Mr. Cooper telephoned his supervisor to inform her of his intent to leave the ship. While the supervisor did not consider this notification as a request for authorization to incur travel expenses, apparently no objection was expressed to Mr. Cooper's leaving the ship and obtaining lodgings elsewhere. Mr. Cooper has presented travel claims for meals and lodgings from April 10 through April 21. No claim has been made for any travel expenses from April 5 to April 10, the period of time he was lodged aboard the ship.

Due to the fact that the employee had not been specifically authorized, prior to the trip, to incur travel expenses, the National Park Service questions his entitlement to lodging and meal cost while lodging in Baltimore as shown on the employee's travel voucher in the amount of \$355.09. The National Park Service is of the opinion that the employee would be entitled to the cost of transportation round trip between Baltimore and Washington, D.C., plus an allowance for lunch for each of the 10 days he performed temporary duty in the amount of \$197.10.

The authority to pay travel per diem or to reimburse an employee expenses of lodging and subsistence while traveling on official business is provided by 5 U.S.C. 5702 (1976). That section provides that, under regulations prescribed by the Administrator of General Services under 5 U.S.C. 5707, an employee is entitled to a per diem allowance for travel inside the continental United States at a rate not to exceed \$35 or to be reimbursed his actual costs in performing travel in an area designated as a high rate geographical area within the United States. Mileage and related allowances are authorized by 5 U.S.C. 5704 (1976).

The General Services Administration has issued Federal Travel Regulations (FPMR 101-7) which govern the official travel of Government employees. Paragraph 1-1.4 (May 1973), provides as follows:

"1-1.4. Authority for travel. Except as otherwise provided by law, all travel shall be either authorized or approved by the head of the agency or by an official to whom such authority has been delegated. Ordinarily, an authorization shall be issued prior to the incurrence of the expenses. The authorization shall be as specific as possible in the circumstances as to the travel to be performed."

The above provision and its preceding regulation in the Standardized Travel Regulations have been construed by this Office as requiring a written authorization or approval, although the words themselves are not clear on the matter. See B-181431, February 27, 1975. This construction is supported by FTR para. 1-11.3b (May 1973) which states that the travel voucher must be supported by a copy of the authorization. Therefore, except when prior issuance is impracticable, or when the travel is of such a limited nature that it is unnecessary, written authorization should be issued prior to incurrence of travel expenses.

We pointed out in B-181431, supra, that written travel orders procedures assist in fund control and meeting requirements of recording obligations at the time they are incurred, as required by 2 General Accounting Office Policy and Procedure Manual 10.3 (August 1, 1972) and 7 GAO 17.1 (October 1, 1967). Moreover, they also serve to provide a notice and record of the employee's instructions and entitlements. However, we also stated that individual written travel orders are not necessary but that it would suffice to issue a general written travel order authorizing per diem during a trip and setting out the dates of duty, the rate of per diem, and accounting data, together with a list of employees assigned to the trip.

None of the prior authorization steps were apparently undertaken although it appears that the movement of the ship by the crew to Baltimore from Washington was by travel authorization. No written authority was given for Mr. Cooper to remain with the ship in Baltimore although his actions were approved by his supervisors prior to the departure of the ship to Baltimore. Although it is stated that Mr. Cooper's residing aboard the ship was for his convenience since he normally remained aboard the ship when it was homeported in Washington, it is clear from the submission that Mr. Cooper was to perform duties aboard the ship during his regular working hours.

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In that connection, the submission indicates that had the Park Service known that the ship would become uninhabitable, travel would have been authorized for Mr. Cooper to commute daily between Washington, D.C., and Baltimore. Therefore the Park Service has stated its willingness to pay a mileage allowance plus the cost of his lunches.

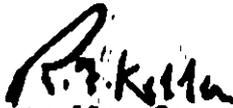
It is our view that if in this case the National Park Service had the authority to pay a mileage allowance pursuant to 5 U.S.C. 5704, supra, then they also had the authority to pay per diem or reimburse the employee actual expense pursuant to 5 U.S.C. 5702, supra, since in either case it would appear that FTR para. 1-1.4 would apply.

In the Matter of Steve Canyon, B-161048, April 11, 1967, a question was presented on whether the employee should have been paid per diem since he was directed to travel as a passenger in a contractor-owned vehicle to an inspection site. In that decision we held that to have required the employee to commute between his home and the temporary duty sites--travel exceeding 200 miles each day--would have been an unreasonable demand. Per diem was therefore authorized even though prior authorization for per diem apparently had not been given. The round-trip distance between Baltimore and Washington, D.C., is stated in your letter to be 88 miles. While this might not appear to be an unreasonable commuting distance the employee was not directed to return to Washington each day.

There appears to be no dispute that the employee has met the requirements of the statute to entitle him to payment of travel costs by the Government--that is, he was detailed to a work assignment on official business away from his designated post of duty. His work assignment and place of lodging both aboard the ship in drydock and in Baltimore were with full knowledge and approval of his supervisors. While there has not been a strict compliance with the FTR and our previous decisions concerning written authorization, it is our view that the original travel authorization for movement of the ship from Washington, D.C., to Baltimore is sufficient authority upon which to pay this claim. While the employee could have been restricted to the costs of daily commuting to his temporary duty station had specific instructions been issued, no such restriction was placed upon travel cost reimbursement. Therefore, reimbursement should be based upon the claim as submitted for travel to and remaining in a high rate geographical area.

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Accordingly, the voucher which is returned may be processed for payment if otherwise correct.

  
Deputy Comptroller General  
of the United States